

LAND USE COMMISSION
MEETING MINUTES

January 6, 2012 – 9:15 a.m.

Maui Arts and Cultural Center, Alexa Higashi Meeting Room,
One Cameron Way, Kahului, Maui, Hawai`i 96732

COMMISSIONERS PRESENT: Normand Lezy
Ronald Heller
Lisa Judge
Nicholas Teves, Jr
Chad McDonald
Kyle Chock
Ernest Matsumura
Jaye Napua Makua

COMMISSIONERS EXCUSED: Thomas Contrades

STAFF PRESENT: Orlando Davidson, Executive Officer
Diane Erickson, Deputy Attorney General
Scott Derrickson, Staff Planner
Riley Hakoda, Staff Planner/Acting Chief Clerk

COURT REPORTER: Holly Hackett

AUDIO TECHNICIAN: Walter Mensching

CALL TO ORDER

Chair Lezy called the meeting to order at 9:15 a.m.

DELIBERATION & ACTION

A11-790 KULA RIDGE, LLC (Maui)

Chair Lezy announced that this was deliberation and action meeting on Docket No. A 11-790 Kula Ridge, LLC (Maui) to consider the reclassification of approximately 34.516 acres of land from the Agricultural District to the Urban District and approximately 16.509 acres of land from the Agricultural District to

the Rural District at Kula, Maui, Hawai'i for a mix of residential, park and open space uses TMK Nos. 2-3-001:174 and 023 (por.)

APPEARANCES

Steven Lim, Esq. and Jennifer Benck, Esq., represented Petitioner Kula Ridge LLC
Clayton Nishikawa, Managing Director, Kula Ridge LLC

Michael Hopper, Esq., Deputy Corporate Counsel, represented County of Maui
Planning Department (County)

Jeffrey Dack, County

Jesse Souki, Director, State Office of Planning (OP)

Chair Lezy updated the record and described the procedures for the proceedings. There were no questions or comments regarding the procedures.

Chair Lezy asked if there were any public witnesses who wished to give testimony

PUBLIC WITNESSES

1. Scott Nunokawa

Mr. Nunokawa described how the proposed project would help fill the need for affordable housing and why he supported the Petition.

There were no questions for Mr. Nunokawa.

2. Randy Piltz

Mr. Piltz stated that he was Executive Assistant to the Mayor of Maui and represented that both the Administration and the Maui Council supported the proposed project.

There were no questions for Mr. Piltz.

3. Gene Zarro

Mr. Zarro expressed why he thought the proposed project was appropriate for the type of growth he envisioned for the Kula area.

There were no questions for Mr. Zarro.

4. Penny Humphries

Ms. Humphries stated that she had collected 1,142 signatures on petitions opposing the proposed project and described why her constituents felt the Petition should not be granted. Ms. Humphries also stated that she wished to relay the request of Dick Mayer, who was unable to attend the meeting, that the Commission please review and seriously consider the material that he had submitted.

There were no questions for Ms. Humphries.

5. Tanner Morrin

Mr. Morrin stated that he was an architectural student and described how the lack of affordable housing had affected his family and why the proposed project should be allowed to be developed.

There were no questions for Mr. Morrin.

6. Ivan Lei

Mr. Lei shared his reasons for supporting the Petition.

There were no questions for Mr. Lei.

7. Charles Jencks

Mr. Jencks described the research he had done on the proposed project and why he felt the Petition should be granted.

There were no questions for Mr. Jencks.

8. Maria Rawe

Ms. Rawe shared why she opposed granting the Petition.

There were no questions for Ms. Rawe.

9. Christian Tackett

Mr. Tackett described his struggle to find affordable housing and why he supported the proposed project.

There were no questions for Mr. Tackett.

10. Dan Patrika

Mr. Patrika described why he supported the proposed project.

There were no questions for Mr. Patrika.

11. Jamie Medeiros

Mr. Medeiros stated that he represented the ILWU and shared why his organization supported the proposed project.

There were no questions for Mr. Medeiros.

12. Jake Kahoohanohano

Mr. Kahoohanohano shared his family's experience with not being able to find affordable housing and why he supported the Petition.

There were no questions for Mr. Kahoohanohano.

There were no further public witnesses and Chair Lezy concluded the public testimony portion of the meeting.

Chair Lezy announced that the Commission would begin formal deliberations and polled the Commissioners to confirm that they had reviewed all the materials for the docket and were ready to deliberate. The Commission unanimously responded (8-0) that they were ready to deliberate.

Commissioner Judge shared her reasons why the proposed project did not meet various LUC decision-making criteria for approval. Commissioner Judge described how she perceived that applicable urban district standards were not being met and how the draft Maui Island Plan urban town list did not include the Petition Area; and why the current rural designation was appropriate. Commissioner Judge described how there were no available basic services in the Petition Area and why the lack of water in the area was a major concern. Commissioner Judge also stated why she believed the Petition Area did not have the necessary concentration of city-like structures, people, streets and urban level of services, other related land uses and infrastructure to support the proposed project; and her concerns about traffic, roadways and safety for the children attending schools in the Petition Area.

Commissioner Makua shared how she had pondered her decision and provided her perspective of why she thought the Petition should be granted and

how the proposed project met the criteria for urban growth in State and County plans by being a minor portion of land in the district; and satisfied the Maui County General Plan's criteria of providing a range of housing opportunities and choices. Commissioner Makua further expressed how she felt the proposed project would provide needed housing to accommodate growth and allow for family members to remain in the local area.

Commissioner Heller expressed his concerns about water availability, sidewalk installation, and needed road and traffic improvements for the proposed project and stated that conditions addressing these concerns would be necessary in granting approval for the Petition for him.

Commissioner Heller then moved to approve the Petition subject to those conditions to allow for further discussion. Commissioner Matsumura seconded the motion.

Commissioner Heller clarified the three areas that he wanted to have the conditions of the Decision and Order address that would require the approval and acceptance of County authorities, in addition to the LUC standard conditions- 1) roadway and traffic improvements; 2) implementation of an acceptable water supply plan; and 3) where and how the sidewalk would be constructed.

Commissioner Judge commented that on the sidewalk issue, community members had asked that the sidewalk be constructed on the makai side of the road for child safety.

Commissioner Makua offered a friendly amendment in response to the Kula Community Association's concerns to include a condition requiring the Petitioner to complete additional archaeological and burial site survey work; and gain approval of the work from both SHPD and the Maui Burial Council.

Commissioners Heller and Matsumura had no objection to the friendly amendment.

Chair Lezy thanked the Parties for their efforts during the proceedings and recognized the contributions made by the public and the LUC staff.

Commissioner Judge requested clarification on whether the motion included requiring that the sidewalk be built on the makai side of the road. Commissioner Heller responded that he was not prepared to be that specific and would retain in the condition that the sidewalk would be approved by County authorities wherever it was located.

There was no further discussion.

The Commission was polled as follows:

Ayes: Commissioners Heller, Matsumura, McDonald, Makua, Chock, Teves, and Chair Lezy.

Nays: Commissioner Judge

Excused: Commissioner Contrades

The motion passed 7-1 with 1 excused.

Chair Lezy asked if there were any further comments the Parties wished to make. Mr. Lim thanked the Commission. There were no other comments.

Chair Lezy announced that there would be a site visit in the matter of docket A10-789 A&B Properties Inc. at 1:00 p.m. and adjourned the meeting at 10:03 a.m.